

***Remarks***

Reconsideration of this Application is respectfully requested. Applicants submit this amendment places the application in even better condition for allowance or appeal and raises no new issues requiring further consideration or search. Accordingly, entry is respectfully allowed.

Upon entry of the foregoing amendment, claims 1, 2, 5-7, 13 and 19-29 are allowed and claims 14-16 are pending in the application, with claims 1, 14, 19, 26 and 28 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 103***

Paragraph 5 of the Office Action rejects claims 14-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0036274 A1 to Antoine (Antoine) in view of U.S. Patent No. 6,907,062 to Carlson (Carlson). Applicants respectfully traverse. For at least the following reasons, Applicants respectfully request the Examiner reconsider and withdraw the rejection.

Claim 14 recites, in part, "selecting parameter data based on an association of the selected parameter data with a reasonable peak-to-average (PAR) ratio for a sequence of Medley symbols, wherein the reasonable PAR is determined from data relating a PAR with at least one of a number of used tones and a number of upstream and downstream

carriers of an ADSL modem." Antoine does not disclose, teach or suggest these features. Rather, Antoine describes "if the number of bits in the repetitively generated pseudo-random data" is "chosen high, the scrambler is not optimized in terms of PAR (Peak to Average Ratio) so that this straightforward solution is not preferred in multi-carrier transmission systems wherein PAR reduction is a major concern." (Antoine paragraph [0007]). This general statement in Antoine about PAR reduction and a "not preferred" solution does not disclose, teach or suggest selecting parameter data "based on an association of the selected parameter data with a reasonable peak-to-average (PAR) ratio ... wherein the reasonable PAR is determined from data relating a PAR with at least one of a number of used tones and a number of upstream and downstream carriers," as recited in claim 14.

Antoine does not disclose teach or suggest the features of claim 14. Carlson, whether taken alone or in combination with Antoine, fails to overcome the deficiencies of Antoine with respect to claim 14. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 14, and its respective dependent claims, as set forth in paragraph 5 of the Office Action.

### ***Allowed Claims***

Applicants thank the Examiner for allowing claims 1, 2, 5-7, 13 and 19-29.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the

Reply to Office Action of September 30, 2008

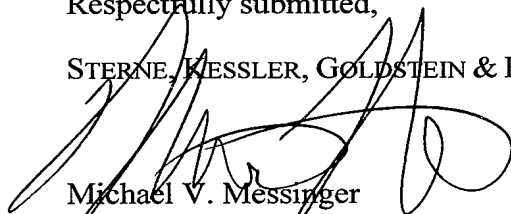
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Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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